

REMARKS/ARGUMENTS

In the Office Action mailed July 27, 2006, the Examiner objected to claims 5, 7, 12, 13, 18, and 20, but indicated they would be allowed if rewritten into independent form, including all intervening claims. The indication of allowable subject matter is appreciated. Claims 5, 7, 12, 13, 18, and 20 have been rewritten into independent form. It is submitted that these claims, as amended, are patentable over the cited references and are in condition for allowance.

Claims 2, 9, and 15 were previously canceled. Claims 1, 3, 4, 6, 8, 10, 11, 14, 16, 17, 19, 21, and 22 were rejected in the Office Action.

The pending application is being prosecuted pursuant to the Request for Continued Examination filed July 13, 2006. A Preliminary Amendment was filed in this RCE application on July 13, 2006 to add new claim 23. The Office Action mailed July 27, 2006 was dispatched prior to consideration of the Preliminary Amendment. Therefore, claim 23 was not acted upon in the Office Action. Claim 23 has been amended and is discussed below.

It is asserted that the pending claims, comprising claims 1, 3-8, 10-14, and 16-23, are patentable over the cited art and are in condition for allowance. Further examination and reconsideration of the application are requested.

The Section 103 Rejection

In the Office Action, the Examiner rejected claims 1, 3, 4, 6, 8, 10, 11, 14, 16, 17, 19, 21, and 22 were rejected over the combination of Sampath and Kamath. In the "Response to Arguments" of the Office Action, the Examiner asserted that the combination provides the claimed features of (1) clients that do not include a local disk device, and (2) storage apparatus includes a program configured to update security information regardless of whether or not the clients are initiated. With respect to feature (2), the Examiner asserted that Sampath shows the claimed updating, because Sampath describes automatic updating that is performed "whether the client is initiated or not since the user does not have to do anything to receive the update," citing to column 7, lines 63-66 of Sampath.

As noted by the Examiner, Sampath relates to downloading of updated antivirus information that is automatically run at the client device. In Sampath, a server responds to a client request by creating a Web page and performing client authentication (see Sampath at col. 6, lines 44-59). It should be apparent that, for the server to respond to a client request, the client must have already been initiated and running. That is, a client cannot issue a request unless the client is initiated and running.

In contrast, the independent claims rejected by the Examiner (as presently amended) recite a storage apparatus wherein the storage apparatus sends operation systems (OS) and application programs to the plurality of clients, and includes a program that updates security information before the clients are initiated. It should be apparent that a client cannot be initiated before it even has an OS to control operation.

Another characteristic of Sampath that implements the automatic update feature noted by the Examiner is that the server computer creates a secured connection between the server and client (col. 6, lines 61-65) and then the server automatically executes an antivirus update program at the client without user intervention (col. 7, lines 63-67). Again, it should be apparent that executing a program at the client requires that the client be initiated.

The rejected independent claims 1, 18, 14, 21 and 22, as presently amended recite that the storage apparatus sends the OS and update to the clients before the clients are initiated. These features cannot possibly be provided by Sampath.

Kamath describes a computer device wherein a remote file is updated as a corresponding local file is updated. That is, if the local file is updated, the file is sent to the remote device and the remote file is updated at the remote device. It should be apparent that, if a file at a remote device is updated, the remote client must be initiated. Therefore, Kamath does not make up for the deficiencies of Sampath, and the proposed combination of the two cannot render the rejected claims (as amended) obvious.

The rejected claims include claims 1, 3, 4, 6, 8, 10, 11, 14, 16, 17, 19, 21, and 22, and of these, the independent claims comprise claims 1, 8, 14, 21, and 22. It is submitted that these independent claims are not rendered obvious by the proposed combination, and the

Appl. No. 10/656,507
Amdt. dated November 27, 2006
Reply to Office Action of July 27, 2006

PATENT

remaining claims dependent therefrom are also not rendered obvious by the proposed combination.


Claim 23, not previously examined, has been amended so that it also recites that the storage apparatus sends the OS and update to the clients before the clients are initiated. Therefore, for at least the reasons stated above, it is patentable over the cited references and is in condition for allowance.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 858-350-6100.

Respectfully submitted,



David A. Hall
Reg. No. 32,233

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 858-350-6100
Fax: 415-576-0300
Attachments
DAH:dah
60921349 v1